

REMARKS

The Office Action of June 9, 2009, has been carefully reviewed, and in view of the above amendments and the following remarks, reconsideration and allowance of the pending claims are respectfully requested.

As set forth in the above Office Action, claims 21, 37, 51, 53, 55, 57, 59 and 61 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,065,215 to *Otsuka* in view of *Takanashi et al.* and *Madaus et al.* Claims 21 and 59 are the only independent claims.

The primary reference upon which the Examiner relies, *Otsuka*, discloses a writing instrument having an ink reservoir 16 including a fibrous block 22. The ink in the reservoir is fed to a nib 24 that is made of a thermoplastic synthetic resin. Col. 2, lines 34-36. The rear end 24b of the nib 24 is inserted into the ink reservoir 16 and the nib 24 has an inner capillary conduit 28 through which ink is introduced from the ink reservoir 16.

In rejecting the claims over *Otsuka*, the Examiner contends that the capillary conduit 28 corresponds to the ink guiding feed recited in claims 21 and 59. Although the conduit 28 is a hollow tubular body and is not made from capillary felt material, as noted by the Examiner, Applicant respectfully contends that the capillary conduit 28 of *Otsuka* still has a capillary force for drawing ink from the reservoir 16 -- as clearly evidenced by the name of the component, i.e., "inner capillary conduit 28". In an effort to further clarify this distinction, claim 21 has been amended to define the ink guiding feed to have a cross sectional area of 0.5 to 20 mm² such that it does "**not** have capillary force". This amendment is supported by the specification at, for example, Paragraph [0061] and Fig. 2 of the published application.

In *Otsuka*, the writing nib 24 itself is made of a dense material having no capillary force. However, the nib has the hollow inner capillary conduit 28 inside thereof (Figs. 2 and 3), which has fine gaps of 0.02mm small enough to provide capillary force (column 1, lines 17 to 22) to the writing nib (pen tip). Moreover, though, the inner capillary conduit 28 extends axially through the nib (column 2, lines 39 to 42 and lines 64 to 68) and into the ink reservoir 16 so as to guide ink from the rear end portion 24b thereof to the tip portion 24a. Accordingly, it is clear that the inner capillary conduit 28, which the Examiner contends corresponds to the recited ink guiding feed, has capillary force therethrough.

On the other hand, the ink guiding feed in the claimed invention has a cross-sectional area which does not form a capillary conduit and therefore does not have capillary force. Thus, the claimed writing instrument in the present invention includes an occlusion body having capillary force - an ink guiding feed having no capillary force - and a pen tip having capillary force.

Hence, Applicant respectfully submits that *Otsuka* does not disclose or suggest an ink guiding feed which does not have capillary force as recited in claim 21, or an ink guiding feed defined by a hollow tubular body without any capillary material within the hollow tubular body and lacking capillary force therethrough, as recited in claim 59.

CONCLUSION

In view of the above amendments and remarks, Applicant respectfully submits that the claims of the present application are now in condition for allowance, and an early indication of the same is earnestly solicited.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference would be helpful in resolving any remaining issues pertaining to this application; the Examiner is kindly invited to call the undersigned counsel for Applicant regarding the same.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: September 9, 2009

By: /WendiLWeinstein/
Wendi L. Weinstein
Registration No. 34456

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620